IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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CIVIL WRIT No. 4055 of 2005

BANWARI LAL
V/S
LR'S OF VISHNU KUMAR & ORS.

Mr. OP MEHTA, for the appellant / petitioner

Ms. HEMLATA CHOUDHARY for Mr. CHAITANYA GAHLOT, for the respondent

Date of Order : 25.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

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Heard learned counsel for the petitioner and perused the impugned judgments.

Both the learned Courts below have found that the petitioner has another shop in the name of his daughter-in-law, which was acquired some 5 years ago, and that could be used for the purpose, for which the necessity is alleged being the necessity of the son (husband of the daughter-in-law). Inter-alia with these findings, both the Courts below have negatived the contention, about the plaintiff's bonafide and reasonable necessity. I do not find any sufficient ground to interfere with the finding of fact. The writ petition is, therefore, dismissed summarily.

( N P GUPTA ),J.

/tarun/